

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 36618 of 2019
Date of decision: 18.12.2019

Ashok Kumar Rathee

.....Petitioner

V/s.

State of Haryana and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sandeep S. Majithia, Advocate,
for the petitioner.

Sanjay Kumar, J. (Oral)

The prayer of the petitioner in this case reads as under:

'Civil writ petition under Article 226/227 of the Constitution of India with a prayer for issuance writ in the nature of Mandamus direction to direct the Ld. Appellate Court i.e. the District & Sessions Judge, Panipat to adjudicate upon the applications of the petitioner for interim stay dated 7.1.2016 (Annexure P-3(Colly)).

It is further prayed that till the time the Ld. Appellate Court i.e. Ld. Additional District & Sessions Judge, Panipat does not decide the application of the petitioner of the interim stay (Annexure P-3(Colly)), the Ld. Executive Court be directed to stay the further proceedings before the execution proceedings.

It is still further prayed that any other appropriate order or direction as this Hon'ble Court may deem fit

and proper, may kindly be passed in the interest of justice.

Though this writ petition was filed under Articles 226 and 227 of the Constitution as per the practice followed in this Court, a writ would issue only under Article 226 and the same cannot be sourced in Article 227, which deals with the power of judicial superintendence vesting in High Courts. Therefore, the prayer, as set out *supra*, seeking issuance of a writ to a Subordinate Court cannot be countenanced as the petitioner is obviously invoking this Court's power of judicial superintendence.

The writ petition is accordingly dismissed on this short ground. Liberty is however given to the petitioner to pursue appropriate remedies available to him in accordance with law.

No order as to costs.

(SANJAY KUMAR)
JUDGE

18.12.2019

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no